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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,529	01/08/1999	TOSHIMITSU KUMAGAI	960569C	8093
23850 7590 12/18/2003				
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP				
1725 K STREET, NW				
SUITE 1000				
WASHINGTON, DC 20006				
			EXAMINER	
			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/227,529

Applicant(s)

KUMAGAI ET AL.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/23/03 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-52 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51, 56 and 60 is/are allowed.
- 6) ☒ Claim(s) 50, 52, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on August 4, 2003 fails to comply with 37  
5 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication  
or that portion which caused it to be listed; and all other information or that portion which caused  
it to be listed. It has been placed in the application file, but the information referred to therein  
has not been considered.

### ***Amendment***

2. Receipt is acknowledged of the amendment filed on September 23, 2003. In the  
amendment, claims 50 and 60 were amended. Currently, claims 50-52, 56, and 58-60 remain for  
examination.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on  
sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 50, 52, 58, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Knowles et al.

Art Unit: 2876

Re claims 50, 58, and 59, Knowles teaches an optical reader 2 and a stand 3 on which the scanner can be mounted. The stand is comprised of a plurality of vertical side walls (see figure 2), and the gap is formed between the two longer side walls and two shorter top/bottom walls.

When the scanner is mounted/rested on the stand, the grip portion (or the body of the scanner)

5 extends laterally in the gaps created by four walls of the stand (see col. 8, lines 34+).

Re claim 52, as shown in figure 2C, when the scanner is mounted on the stand, scanning ray is horizontally emitted (col. 18, lines 22+).

#### ***Allowable Subject Matter***

10 5. Claims 51, 56 and 60 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a stand for pivotally mounting an optical reader. The Knowles patent and previously cited reference to Wilke, Jr. teaches a stand with the stand member on which the reader is mounted. The art also can be interpreted to contain a holder section in which the grip  
15 can be dismounted freely and a base for supporting the section. However, cited reference and other prior art of record, taken alone or in combination, fail to show or fairly teach that the holder section pivots within the base and that the stand member has a tongue, which is inserted into the holder section so that the tongue can be removed freely.

#### ***Response to Arguments***

20 7. Applicant's amended claims and remarks filed on September 23, 2003 have been carefully considered, but they are not persuasive.

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In the amendment, Applicant amended claim 50 such that the claim now reads “ A stand on which an optical reader ..... comprising: a stand member having a plurality of vertical side walls for mounting said optical reader in such a manner that said grip of said optical reader extends laterally in a first gap formed between two of said vertical side walls beyond a lateral side of said stand member and said read window faces in a lateral direction.” With added limitation, the Applicant argues that the claimed invention is not suggested by the Knowles patent.

The Examiner respectfully disagrees with Applicants’ assertion in following area. As shown in figure 1 of Knowles, the reader 2 rests on the stand 3, which has four vertical side walls. The reader’s grip (or the body portion) resting on the stand as in figure 1, extends beyond the side walls. Accordingly, the reader and the stand disclosed in Knowles still meet the amended claim 50.

The amended claims and remarks describing these elements have been carefully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

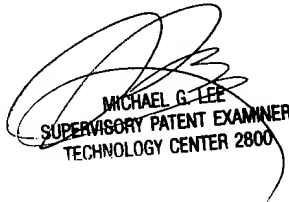
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ahshik Kim  
Patent Examiner  
Art Unit 2876  
December 12, 2003

  
MICHAEL G. LEE  
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